



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge James T. Moore
Telephone: 571-272-9797
Facsimile: 571-273-0042

MAILED

JUL 19 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: BELLI
Application No.: 10/058,004
Filed: 01/29/02
For: Electrical cable with self-repairing protection

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,323.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ James T. Moore
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,323

Paper No.

Name: Sergio Belli et al.

Serial No.: 10/058,004

Patent No.

Title: Electrical cable with self-repairing protection

Filed: 01/29/02

Interference with Reece et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

James T. Moore
Administrative Patent Judge
Mail Stop Interference
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Filed 19 July 2005

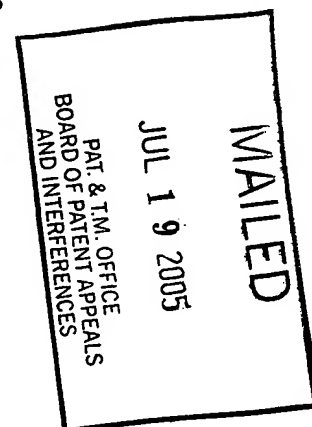
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

SERGIO BELLI,
LUIGI CAIMI, CLAUDIO BOSISIO,
ALBERTO BAREGGI, LUCA BALCONI,
and
GIOVANNI POZZATI,
Junior Party
(Application 10/058,004)

v.

DAVID REECE,
JONATHAN WALLER, NICK WARE,
and
PHILIP SASSE,
Senior Party
(Patent 6,359,231)



Patent Interference No. 105,323
(Technology Center 2800)

DECLARATION - Bd.R. 203(d)

Before **James T. Moore**, Administrative Patent Judge.¹

¹As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge James T. Moore is designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:00 p.m. on September 13, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: SERGIO BELLI, LIVORNO, ITALY
LUIGI CAIMI, LOMAGNA, ITALY
CLAUDIO BOSISIO, BREMBATE, ITALY
ALBERTO BAREGGI, MILANO, ITALY
LUCA BALCONI, BRESSO, ITALY
GIOVANNI POZZATI, OLGiate OLONA, ITALY

Application: 10/058,004, filed January 29, 2002

Title: ELECTRICAL CABLE WITH SELF-REPAIRING PROTECTION

Assignee: None

Accorded Benefit: 09/971,766, filed October 9, 2001
09/261,505, filed March 3, 1999

Senior Party

Named Inventors: DAVID REECE, CARROLLTON, GEORGIA
JONATHAN WALLER, CARROLLTON, GEORGIA
NICK WARE, VILLA RICA, GEORGIA
PHILIP SASSE, DOUGLASVILLE, GEORGIA

Patent: 6,359,231 (09/756,533, filed January 8, 2001)

Title: ELECTRICAL CABLE HAVING A SELF-SEALING AGENT AND
METHOD FOR PREVENTING WATER FROM CONTACTING THE
CONDUCTOR

Assignee: SOUTHWIRE COMPANY
ONE SOUTHWIRE DRIVE, P.O. BOX 1000
CARROLLTON, GEORGIA 30119

Accorded Benefit: 09/228,482, filed January 11, 1999.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Claim 1 or Claim 11 of US Patent 6,359,231.²

The claims of the parties are:

Belli: Claims 55-100

Reece: Claims 1-26

The claims of the parties which correspond to Count 1 are:

Belli: Claims 55-100

Reece: Claims 1-26

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Belli: None

Reece: None

² 1. An electrical cable consisting essentially of a conductor, a layer of insulation around said conductor and a material flowable at about 25°C. between the conductor and the layer of insulation which provides self-sealing properties to the cable and wherein said material is a dielectric that does not substantially absorb moisture or swell upon contact with moisture having capacity, upon creation of a discontinuity in the layer of insulation of reestablishing continuity in the layer of insulation in a reversible manner.

11. A method of making an electrical cable which migrates the effects of voids, puncture, or cracks formed in an insulation layer prior to installation of the cable, during the installation of the cable, and after the cable is placed in service comprising the steps of:

(a) forming a conductor,

(b) applying a layer of material flowable at about 25°C. which provides self-sealing properties on the exterior of the conductor; and

(c) forming an layer of insulation around the conductor wherein said material is a dielectric that does not substantially absorb moisture or swell upon contact with moisture, has capacity, wherein upon creation of a discontinuity in the layer of insulation in the cable, the material will reestablish continuity in the layer of insulation of the cable in a reversible manner.

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

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BEFORE THE BOARD OF PATENT APPEALS
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(Administrative Patent Judge James T. Moore)

SERGIO BELLI,
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and
GIOVANNI POZZATI,
Junior Party
(Application 10/058,004)

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DAVID REECE,
JONATHAN WALLER, NICK WARE,
and
PHILIP SASSE,
Senior Party
(Patent 6,359,231)

Patent Interference No. 105,323

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Part I. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,359,231
Copy of claims of 10/058,004

Revised January 2005

cc (via overnight delivery):

Attorney for **BELLI**:

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